



PA 18-57—sSB 479

Judiciary Committee

AN ACT CONCERNING IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR PERSONS PROVIDING MEDICAL ASSISTANCE OR INTERVENTION IN A CHILD ABUSE OR NEGLECT CASE

SUMMARY: This act provides immunity from civil and criminal liability to any person, institution, or agency that, in good faith, provides professional medical intervention or assistance in any proceeding involving child abuse or neglect. The act's immunity applies to liability that might otherwise arise from or be related to actions such as:

1. causing a photograph, x-ray, or physical custody examination to be made;
2. causing a child to be taken into emergency protective custody;
3. disclosing a medical record or other information pertinent to the proceeding; or
4. performing a medically relevant test.

Under the act, a mandated reporter (see BACKGROUND) who, in good faith, does not report suspected child abuse or neglect or alleged sexual assault of a student to the Department of Children and Families (DCF) or law enforcement as required or permitted by law may be civilly or criminally liable for failure to report. Prior law provided immunity from liability in such circumstances.

The act retains immunity for a person, institution, or agency that, in good faith, makes such a report and applies the immunity to civil or criminal liability that might otherwise arise from, or is related to, making the report. Under prior law, this immunity applied to civil or criminal liability that might otherwise be incurred or imposed.

Under the act, the immunity from civil or criminal liability for providing medical intervention or assistance or making a good faith report does not extend to medical malpractice that results in personal injury or death.

EFFECTIVE DATE: July 1, 2018, and applicable to civil actions pending or filed on or after that date.

BACKGROUND

Mandated Reporters of Child Abuse, Neglect, and Sexual Assault

By law, certain professionals (e.g., school employees, health professionals, and coaches) are designated as mandated reporters of child abuse and neglect. As such, they must report to DCF or law enforcement within prescribed timeframes when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child (1) has been abused or neglected, (2) has an injury that is at variance with its given history, or (3) is at

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imminent risk of physical harm. The law permits a mandated reporter acting outside of his or her professional capacity, or anyone else who has reasonable cause to suspect or believe that a child is in danger of being abused or has been abused or neglected, to report to DCF or law enforcement (CGS § 17a-101(b)).

The law also requires any school employee to report to DCF or law enforcement when, in the ordinary course of his or her employment or profession, he or she has reasonable cause to suspect or believe that a student is the victim of sexual assault and the perpetrator is a school employee (CGS § 17a-101a(a)).